FILED ELECTRONICALLY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED
p. 2

Dr. PAUL SELINGER and MARSHA SELINGER,

Plaintiffs,

- against -

THE CITY OF NEW YORK; ROBERT MORGENTHAU, as District Attorney of New York; KATHRYN QUINN, in herindividual and official capacity as Assistant District Attorney, DETECTIVES and/or POLICE OFFICERS JOHN/JANE DOES 1-10, in their individual and official capacities,

Defendants.

NOTICE OF MOTION

08 CV 2096 (RMB) (GWG)

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law and the prior papers, pleadings and proceedings herein, Robert Morgenthau, District Attorney of New York County will move this Court at the Motion Support Office Courtroom, Room 130 of the Courthouse, 60 Centre Street, New York, New York, on September 8, 2008, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an order pursuant CPLR § 26(c) staying discovery in the above-referenced action pending disposition of DA Morgenthau's Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), and for any other fair and equitable relief that may be appropriate.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR § 2214(b), answering affidavits, if any, are required to be served upon the undersigned at least seven days before the return date of this motion.

Dated: New York, New York
August 5, 2008

USDC SDNY
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DATE FILED: 8/6/08

Respectfully submitted,

ROBERT M. MORGENTHAU
District Attorney, New York County
as Special Assistant Corporation Counsel
One Hogan Place
New York, New York 10013
(212) 335-9000

By: ______________________________
Britta Gilmore (BG-7064)
Assistant District Attorney
Of Counsel

To: Gregory Calliste, Jr.
Attorney for Plaintiff
Law Offices of Frederick Brewington
50 Clinton Street, Suite 501
Hempstead, NY 11550

Brian Maxey
Special Federal Litigation Division
New York City Law Department
100 Church Street
New York, New York 10007

The Court's Order, dated 8/5/08, is hereby vacated. The parties are directed to pursue all discovery issues with Magistrate Judge Gorenstein.

SO ORDERED:
Date: 8/6/08

Richard M. Berman
Richard M. Berman, U.S.D.J.